IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 623 of 2005

Between:

T. John Prakash, S/o. Prakasam,
R/o. Mamidipalem Village, Ongole Town & Mandal, Prakasam District.

..... PETITIONER

AND

1 The District Collector, Prakasam District @ Ongole.
2 Circle, Inspector of Police, Ongole, Prakasam District.
3 Station House Officer, II Town Police Station, Ongole, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a Writ, order or direction, and more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in harassing the Petitioner for no fault of his as illegal, arbitrary, mala fide, without jurisdiction, against the Principles of Natural Justice, null and void; and consequently direct the Respondents not to harass the Petitioner for no fault of his in any manner.

Counsel for the Petitioner: MR.BATHINI PAPA RAO GOUD

Counsel for the Respondents: GP FOR HOME

The Court at the admission stage made the following :

ORDER:

The petitioner states that he is in active politics in the Prakasam District. He

complains that the 3rd respondent has seized his vehicle as well as cash of Rs.43,000/- and he is being subjected to frequent harassment. He states that he filed a complaint before the concerned Magistrate under Section 200 Cr.P.C. and it proved futile. He therefore seeks directions to the respondents not to harass him and to return the vehicle said to have been seized from him.

On behalf of the respondents, a counter affidavit is filed denying the allegations of the petitioner. It is stated that an Auto-rikshaw bearing No.AP-27-6604, which is claimed by the petitioner, was in fact seized by the Motor Vehicles Inspector, Ongole, for violation of the provisions of the Motor Vehicles Rules and it was kept in the police station for safe custody. It is represented that the petitioner did not make an application before any concerned authority or Court for release of the same.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

The petitioner stated that the 3rd respondent seized a sum of Rs.43,000/- and the Auto-rikshaw referred to above from him, on account of his participation in political struggles. The allegation of the petitioner is flatly denied. Apart from denying the allegation, the 3rd respondent has furnished the particulars as to the seizure of the vehicle as well as the authority which seized it. Therefore, this Court does not find any basis in the allegations of the petitioner.

So far as the grievance of the petitioner about the inaction on the complaint said to have been made by him is concerned, it is to be observed that there is nothing on record to disclose that such a complaint has been filed before the concerned Station House Officer. The petition submitted by him under Section 200 Cr.P.C. was returned by the Magistrate with an endorsement that the acknowledgement of the complaint from the police station is not filed. Even if the allegation of the petitioner that the concerned police station did not receive the compliant is true, it is not as if he is without any remedy. He could have brought the same to the notice of the Superintendent of Police or sent the compliant through post.

Therefore, this Court is not inclined to grant any relief as prayed for. The writ petition is dismissed, leaving it open to the petitioner to work out his remedies, in accordance with law, both as regards the alleged harassment as well as the release of the vehicle. It is also directed that the respondents shall not subject the petitioner to any harassment and steps taken by them against the petitioner shall only be on the basis of any specific complaint and registration of cases. There shall be no order as to costs.

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16.02.2005

Jsu

To

1 The District Collector, Prakasam District @ Ongole.
2 Circle, Inspector of Police, Ongole, Prakasam District.
3 Station House Officer, II Town Police Station, Ongole,

Prakasam District.

4 2 CCs to the G.P. for Home, High Court Buildings,

Hyderabad. (OUT)

5 2 CD copies

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